

9/4/12

L-166-12 vaz

RESOLUTION NO. 166-12

BY: **SCOTT TUMA**
(By Request – City Engineer)

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF PARMA TO APPROPRIATE A SANITARY SEWER EASEMENT IN CERTAIN REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 448-23-001, LOCATED AT 6565 WEST RIDGEWOOD DRIVE, IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, by virtue of the Constitution of the State of Ohio and Chapters 163 and 719 of the Ohio Revised Code, the City of Parma has the power and authority to appropriate real property for the purpose of installing, using, maintaining and keeping in repair a sanitary sewer that the City of Parma deems conducive to the general welfare; and,

WHEREAS, the City wishes to acquire an easement across certain property known as Permanent Parcel Number 448-23-001, located at 6565 West Ridgewood Drive, in the City of Parma, and further described in Exhibit "A" attached hereto for such purposes.

NOW, THEREFORE; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Council and the Administration of the City of Parma consider it necessary and declares its intention to appropriate an easement across the property known as Permanent Parcel Number 448-23-001, located at 6565 West Ridgewood Drive in the City of Parma, and as further described in Exhibit "A", for the public purpose of installing, using, maintaining and keeping in repair a sanitary sewer that the City of Parma deems conducive to the general welfare.

Section 2. That the Mayor is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to the property owner, person in possession, or person having an interest of record in the property. The notice shall be served and returned according to law.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Res. to declare the necessity and intent of the City of Parma to appropriate a sanitary sewer easement in certain real property known as Permanent Parcel Number 448-23-001, located at 6565 West Ridgewood Drive in the City of Parma, and declaring an emergency

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for further reason that this measure is necessary in order to initiate the process of acquiring the aforesaid easement in the Property for the above stated purposes, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

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| PASSED:_____ | _____ PRESIDENT OF COUNCIL |
| ATTEST:_____ CLERK OF COUNCIL | APPROVED:_____ |
| FILED WITH THE MAYOR:_____ | _____ MAYOR, CITY OF PARMA, OHIO |

EXHIBIT A

LEGAL DESCRIPTION

P.P.N. 448-23-001

6565 WEST RIDGEWOOD DRIVE, PARMA, OHIO 44129

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being part of the land conveyed to 6585 Ridge Parma LLC by deed recorded in AFN 200911160384 of Cuyahoga County Records, of part of Original Parma Township Lot No. 20, Blake Tract and being further bounded and described as follows:

Beginning at a point in Northerly line of West Ridgewood Drive, 80 feet wide, at a Southeasterly corner of said 6585 Ridge Parma LLC's land;

Thence South $89^{\circ}49'41''$ West, along the Northerly line of West Ridgewood Drive a distance of 32.15 feet to a point;

Thence North $21^{\circ}14'13''$ West, a distance of 304.89 feet to a point;

Thence North $20^{\circ}07'36''$ West, a distance of 16.50 feet to a point in a Northerly line of said 6585 Ridge Parma LLC's land;

Thence North $89^{\circ}49'41''$ East, along said Northerly line a distance of 19.35 feet to an angle point therein;

Thence North $0^{\circ}12'21''$ East, along a Westerly line of said 6585 Ridge Parma LLC's land a distance of 34.01 feet to a point;

Thence South $20^{\circ}07'36''$ East, a distance of 41.50 feet to a point;

Thence South $21^{\circ}14'13''$ East, a distance of 316.15 feet to the place of beginning and containing 0.2263 acres (9,857 square feet) of land as described by Stephen Hovancsek & Associates, Inc. in February, 2011 under the direction of Robert Smoltz, P.S. No. 6763, State of Ohio, be the same more or less but subject to all legal highways.

All bearings are based on Cleveland Regional Geodetic Survey (CRGS), NAD 27.